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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAMARR ROWELL,
Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS,
Defendant.

3:17-cv-00504-MMD-VPC
ORDER

I. DISCUSSION

On August 23, 2017 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), filed an application to proceed *in forma pauperis* and submitted a motion for declaratory judgment. (ECF No. 1, 1-1). Plaintiff did not file a complaint in this matter. On October 24, 2017, this Court issued an order directing Plaintiff to file a 42 U.S.C. § 1983 complaint within thirty (30) days. (ECF No. 4 at 1).

On November 1, 2017, Plaintiff filed a response to the Court's order indicating that he is "unable to comply" with the order because he is "not seeking relief from any state official or the Nevada Department of Corrections." (ECF No. 5 at 1). Plaintiff states that he captioned his motion for declaratory relief as "In re Lamarr Rowell" because there is no person responsible for 28 U.S.C. § 2244(B). (*Id.*) According to Plaintiff, Nevada's prisons have inadequate law libraries which prevented him from complying with federal procedures and time constraints and that the federal judiciary's enforcement of § 2244 "totally denied" Plaintiff the right to access the courts. (*Id.* at 2). Plaintiff asks the Court to change the case number in this case to one of his closed habeas cases—3:10-cv-00044-RCJ-VPC or 3:10-cv-00098-LRH-WGC. (*Id.*)

1 The Court has reviewed Plaintiff's motion for declaratory judgment. (ECF No. 1-1). In
2 that motion, Plaintiff essentially argues that, due to the inadequacies of the prison law library
3 system, he was unable to discover his habeas claims in a timely matter. (*Id.* at 3). Plaintiff
4 states that both this Court and the U.S. Court of Appeals have denied some of his habeas
5 petitions as second and successive. (*Id.* at 4-7).

6 To the extent that Plaintiff is attempting to sue prison officials for denial of access to the
7 courts, he shall file a 42 U.S.C. § 1983 complaint on or before Wednesday, November 29,
8 2017. If Plaintiff does not file a § 1983 complaint on or before that date in this case, the Court
9 will dismiss the case without prejudice. To the extent that Plaintiff is attempting to challenge
10 any of the rulings in his previous habeas cases, he must affirmatively file such motions in
11 those cases.

12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that Plaintiff shall submit a complaint to this
14 Court on or before Wednesday, November 29, 2017. No further extensions will be granted.

15 IT IS FURTHER ORDERED that if Plaintiff fails to file a timely civil rights complaint, the
16 Court will dismiss this case without prejudice.

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18 DATED: This 3rd day of November, 2017.

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21 United States Magistrate Judge
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